

Message Text

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ACTION IO-10

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FM AMCONSUL MONTREAL

TO SECSTATE WASHDC 5978

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FROM USREP ICAO

E. O. 11652: N/A

TAGS: PORG, EAIR, ICAO

SUBJ: ICAO - NEW BUILDING

REF: SECGEN MEMO DATED 3 FEB 1975

1. IN COUNCIL MEETING FEB 14 UNDER "OTHER BUSINESS" SECGEN REPORTED DEVELOPMENTS RE NEW BUILDING. IN LONG PRESENTATION HE EMPHASIZED THAT ICAO HAD CONTINUED TO REJECT FIRMLY THE PROMOTERS VIEWPOINT THAT LEASE NO LONGER VIABLE, AND TO HOLD HIM RESPONSIBLE FOR DELIVERY OF BUILDING. SECGEN ALSO REFERRED TO INTERVIEW WITH MIN EXTERNAL AFFAIRS GOC JAN 20 IN WHICH SECGEN EXPRESSED PREFERENCE FOR "DEALING WITH GOC INSTEAD OF COMMERCIAL OPERATORS". AT END OF PLEASANT MEETING, MIN EXPRESSED CONCERN AND INDICATED WOULD LOOK INTO MATTER AND CONTACT ICAO. SUBSEQUENTLY PROMOTER WROTE TO GOC INDICATING AN INCREASE IN RENT REQUIRED AMOUNTING TO DOLS 570 THOUSAND. ICAO REJECTED ANY NOTION THAT AGREEMENT NO LONGER VALID AND CONSULTED MONTREAL REAL ESTATE LAWYERS WHO CONFIRMED LEGAL BUREAU OPINION THAT ICAO ON SOLID GROUND LEGALLY.

2. WITHIN NEXT FEW DAYS PROMOTER TELEPHONED SECGEN THAT HE HAD BEEN SUCCESSFUL IN RENEGOTIATING AN AGREEMENT WITH FINANCIER TO

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COMPLETE THE PREMISES FOR OCCUPANCY MAY/JUNE. THE "FINANCIERS"

REFERRED TO AN ATLANTA, GA. MORTGAGE GROUP WHICH HAVE A DOLS 20 MILLION INVESTMENT IN THE AVIATION PLAZA. THEY TELEPHONED SECGEN DIRECTLY TO ASSURE HIM THEY ARE HONORING THE AGREEMENT AND ARE MOVING WORK AHEAD. SECGEN ASKED IF ICAO COULD MOVE IN ON 15 FLOORS (100 THOUSAND SQUARE FEET) PLUS 24 THOUSAND SQUARE FEET CONFERENCE FACILITIES WHICH WAS CONFIRMED. FEB 13 SECGEN RECEIVED LETTER FROM PROMOTER WHICH CALLS FOR LEGAL OPINION RE DISPARITY OVER MEASUREMENT OF SPACE AND REFERRING TO ICAO'S FAILURE TO LIVE UP TO LEASE. IN PRESENTATION, SECGEN REFERRED TO THIS PROBLEM AREA AS "BETWEEN PROMOTER AND CONTRACTOR" WITH ICAO ON "SOLID LEGAL GROUND". THE LETTER FROM PROMOTER ATTACHED COPY OF TELEGRAM FROM GENERAL CONTRACTOR CONFIRMING THAT WORK IS PROCEEDING IN THE FINANCING AREA AND BUILDING WILL BE COMPLETED MAY 1, 1975.

3. REP OF CANADA GAVE GLOWING, PUBLIC RELATIONS TYPE SPEECH EXPRESSING DEEP INTEREST HIS GOVERNMENT AND GREAT EFFORT MADE BY GOC. AT THIS POINT MORNING MEETING HAD EXTENDED TO 1:30 P.M. AND FRENCH REP INDICATED THIS WOULD HAVE TO COME BEFORE FULL COUNCIL MEETING FOR THROUGH DELIBERATE CONSIDERATION. DID NOT DETER THE OPPOSITION, HOWEVER, AND GLOWING PRESENTATION OF SECGEN AND CANREP WERE TORN APART. ARGENTINA POINTED OUT (A) ICAO BECOMING INVOLVED IN LITIGATION IN "PRIVATE LAW" WHICH MUST BE IN "PUBLIC LAW". (B) LONG RANGE CONTRACT ARRANGEMENTS OF ICAO MUST BE CONSIDERED (C) MONDY AND (D) ICAO ARRANGEMENTS MUST RPT MUST BE WITH GOC. HE POINTED OUT THAT SECGEN MUST NOW RECEIVE FORMAL SUPPORT FROM COUNCIL BEFORE PROCEEDING AND THAT SECGEN MUST NOW BE SPOKESMAN OF COUNCIL TO GOC. NIGERIA WARNED THAT COUNCIL MUST NOT BE CONTENT WITH REPORT BECAUSE ICAO NOW BECOMING INVOLVED IN LITIGATION WITH MONTREAL LAW. FURTHERMORE, BRAZIL POINTED OUT THAT IMMEDIATE PROBLEM OF OCCUPANCY ONLY ONE SOLVED. LONG-RANGE PROBLEMS GREATER. MUST PRESENT LEASE FOR GOC. MEXICO MENTIONED LEGAL PROBLEMS AND COST OF LITIGATION AS WELL AS INVOLVEMENT OF COUNCIL IN LEGAL MATTERS, AND STATED THAT THESE DIFFICULTIES WOULD NOT HAVE ARISEN IF ICAO DEALT DIRECTLY WITH GOC. USSR GAVE LONG INTERVENTION MENTIONING BUILDING PROBLEMS IN OTHER UN ORGANIZATIONS -- WANTS TO SUPPORT SECGEN BUT MUST LOOK TO FUTURE -- QUESTIONED WHY HEADQUARTERS MUST ALWAYS REMAIN IN MONTREAL SINCE CHICAGO CONVENTION PROVIDES FOR A CHANGE. CLOSING REMARKS WERE LIMITED OFFICIAL USE

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VERY CRITICAL OF GOC. STATED THAT PRESENT SITUATION IS PROOF THAT GOC IS NOT ALWAYS FOUND TO BE SUPPORTING AS IT CLAIMS. CANADIAN REP MADE BRIEF STATEMENT SAYING IN FUTURE COUNCIL MEETING HE WILL COUNTER ARGENTINA'S IDEAS.

FYI: ON FEB 13 SECGEN CONFIDED IN USREP THAT BUILDING PROBLEM HAD BEEN SOLVED BECAUSE HE HAD CONTACTED GEORGIA FINANCIER AND WORKED OUT THE MONEY ARRANGEMENTS DIRECTLY. HE WAS ELATED AND

INDICATED THAT HE CONSIDERED THE PROBLEM SOLVED. CANREP TOLD
USREP FEW DAYS AGO THAT HE (GOC) WAS "WORKING ON THIS MATTER
EVERY DAY AND HAD SEEN MONTREAL MAYOR TWICE". FOR TIME BEING
THERE IS NO WAY TO ASCERTAIN WHAT "DEALS" HAVE BEEN MADE."
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